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NCC's plan to amend broadcasting bills

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After much hesitation, the National Communications Commission (NCC) recently revealed its preliminary legislative proposal of 2023. The proposal aims to amend the existing:

- Radio and Television Act;
- Cable Radio and Television Act; and
- Satellite Broadcasting Act.

While the regulation concerning over-the-top (OTT) television (TV) is also mentioned in the proposed plan, there is no reference of the Digital Intermediary Act Draft, which has been on hold since August 2022 (for further details please see "Digital Intermediary Services Act draft put on hold").

The NCC spokesman explains it is a consensus among the commissioners that "similar rules apply to similar media". In reality, cable TV systems have carried out services of both terrestrial TV stations and satellite television channels for over 20 years. A survey about the 2022 Taiwan broadcasting market, commissioned by the NCC, shows that:

- cable TV service reaches the largest audience of TV viewers in Taiwan, at 57.2%;
- the OTT TV service reaches 15.3%;
- Chunhwa Telecom's MOD service 13.9%; and
- terrestrial TV service 13.3%.

The NCC provides no information about how the gap between existing broadcasting laws will be filled but hints at the fact that more requirements and prior approvals would apply on transfer of control and

ownership. Regulation on content audit prior to broadcast would also be enhanced in the upcoming amendment, according to the NCC spokesperson.

While the NCC is not relenting on pushing the cable TV system operators to generate and manage channel line-ups at national level, as it had been proposed since May 2022, it will be challenging to have knowledge of every stakeholder. In the light of the OTT TV's fast rising in the market as the survey shows, the NCC is emphasising the need for consumer protection likely by imposing heavy-handed rules similar to those applied on existing cable and satellite TV operators in addition to general obligations posted on content provision (for further details please see "NCC plans to tighten OTT TV services").

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